

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1788

In re: DANIEL J. WILLIS,

Petitioner.

On Petition for Writ of Mandamus.
(4:15-mc-00001-H)

Submitted: October 20, 2015

Decided: October 22, 2015

Before MOTZ, KEENAN, and THACKER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Daniel Johnson Willis, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daniel J. Willis petitions for a writ of mandamus seeking an order directing the district court to act on his motion to file a new civil action. We conclude that Willis is not entitled to mandamus relief. Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. U.S. Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought, which Willis has not demonstrated. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). To the extent Willis argues delay, we find the present record does not reveal undue delay in the district court. Accordingly, although we grant leave to proceed in forma pauperis and grant Willis's motions for leave to file a petition for writ of mandamus, we deny the petition for writ of mandamus and amended petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED